

ESTTA Tracking number: **ESTTA222832**

Filing date: **07/08/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Chantelle		
Entity	Corporation	Citizenship	France
Address	8-10 Rue de Provigny Cachan, FRANCE		

Attorney information	Anne M. Sterba Rothwell, Figg, Ernst, & Manbeck, P.C. 1425 K Street NW 8th Floor Washington, DC 20005 UNITED STATES PTO-TM-Email@rothwellfigg.com Phone:202-783-6040
----------------------	---

Applicant Information

Application No	77378855	Publication date	06/10/2008
Opposition Filing Date	07/08/2008	Opposition Period Ends	07/10/2008
Applicant	KAN'TEL, INC. 9000 Brooktree Rd. Suite 101 Wexford, PA 15090 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Shapewear, namely, sleeves and shrug

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1636190	Application Date	06/15/1988
Registration Date	02/26/1991	Foreign Priority Date	NONE
Word Mark	CHANTELLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1971/00/00 First Use In Commerce: 1971/00/00		

	BRASSIERES, SLIPS, PANTIES, GIRDLES AND ONE-PIECE BODY BRIEFERS
--	---

Attachments	3232-113 NOO.pdf (9 pages)(253166 bytes)
-------------	---

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Anne M. Sterba/
Name	Anne M. Sterba
Date	07/08/2008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application
Serial No. 77/378,855 in the
Official Gazette dated June 10, 2008 on
Page TM 722

Chantelle,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. _____
	:	
Kan'tel, Inc.,	:	
	:	
Applicant.	:	
	:	

NOTICE OF OPPOSITION

Chantelle, a French corporation, (hereinafter "Chantelle") with an address at 8-10 Rue de Provigny, Cachan, France, believes that it will be damaged by registration of the mark "KAN'TEL" (hereinafter the "Opposed Mark") for "shapewear, namely, sleeves and shrug," in International Class 25 as set forth in Application Serial No. 77/378,855, filed on January 23, 2008, and published on June 10, 2008 (hereinafter the "Application"), owned by Kan'tel Inc. with an address at 9000 Brooktree Road, Suite 101, Wexford, Pennsylvania 15090 (hereinafter the "Applicant"), and hereby opposes the same. As grounds for this opposition, it is alleged that:

1. Since long prior to the filing date of the Application namely, January 23, 2008, Chantelle has extensively used, advertised and promoted the mark "CHANTELLE," (hereinafter the "Chantelle Mark") amongst others for a variety of clothing such as brassieres and panties.

2. Chantelle is the owner and user (by assignment or otherwise) of the following U.S. registration:

- Registration No. 1,636,190, registered February 26, 1991 for CHANTELLE for “brassieres, slips, panties, girdles and one-piece body briefers” in Class 25.

3. The above-mentioned registration is valid and incontestable. A copy of the status and the registration is attached as **Exhibit A** to the Notice of Opposition.

4. Since at least 1971, Chantelle has been synonymous with lingerie and is world renowned for women's intimate apparel and figure enhancement. Over time, Chantelle has earned extensive critical review and acclaim for the goods provided under its Chantelle Mark.

5. Chantelle has prominently and extensively used, advertised and promoted its mark.

6. By virtue of the uncompromising and prestigious quality of the goods sold, advertised, and promoted under the Chantelle Mark and by virtue of the extensive sales, promotion and advertising of such high quality goods for more than 30 years, the Chantelle Mark has become well-known and has acquired extensive recognition and strength throughout the United States.

7. Upon information and belief, Applicant has not used the Opposed Mark in commerce.

8. Applicant has no connection what so ever with Chantelle and no permission or license was given by Chantelle to Applicant to use the KAN'TEL mark.

9. Chantelle's use of the Chantelle Mark in connection with clothing items, namely, “brassieres, slips, panties, girdles & one-piece body briefers” is such that

members of the public will perceive the Opposed Mark in close proximity with the Chantelle Mark and mistakenly assume that the Opposed Mark emanates from Chantelle and is the Chantelle Mark.

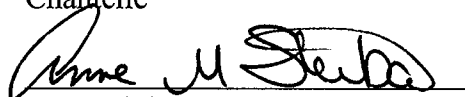
10. The Opposed Mark so closely resembles Chantelle's previously used and registered mark that its use, in connection with the goods aforementioned, is likely to cause confusion, or to cause mistake or deceive, in violation of Section 2(d) of the Trademark Act of 1946, 15 U.S.C. § 1052 (d). Purchasers likely will assume that Chantelle is somehow affiliated with, licenses, or endorses, Applicant's use of the Opposed Mark when Chantelle is not connected in any way with Applicant or the intended use of the Opposed Mark.

11. The registration of the Opposed Mark will be inconsistent with Chantelle's rights in the aforementioned registration and Chantelle's rights at common law and will be damaging to Chantelle.

WHEREFORE, Chantelle prays that this opposition be sustained and registration on the Application be refused.

Respectfully submitted,
Chantelle

By:



G. Franklin Rothwell
Anne M. Sterba
Raquel E. Ronisky
Attorneys for Opposer
Rothwell, Figg, Ernst & Manbeck P.C.
1425 K St., N.W.; Suite 800
Washington, DC 20005
202-783-6040

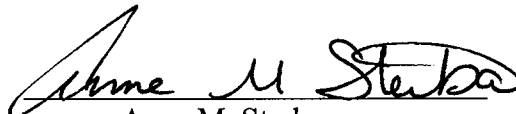
Date: July 8, 2008
150942

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing NOTICE OF OPPOSITION and Exhibit has been served by First Class mail, postage prepaid, to

LEE KIM
TUCKER ARENSBERG PLLC
ONE PPG PLACE
SUITE 1500
PITTSBURGH, PA 15222-5401

On this 8th day of July, 2008.


Anne M. Sterba

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-07-08 12:59:26 ET

Serial Number: 73734562 Assignment Information Trademark Document Retrieval

Registration Number: 1636190

Mark (words only): CHANTELLE

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2001-06-16

Filing Date: 1988-06-15

Transformed into a National Application: No

Registration Date: 1991-02-26

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2006-09-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CHANTELLE

Address:

CHANTELLE
8-10 RUE DE PROVIGNY
CACHAN
France

Legal Entity Type: Corporation

State or Country of Incorporation: France

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

Chantelle v. Kan'tel, Inc.
Chantelle's Exhibit A

Renewed

<http://tarr.uspto.gov/tarr?regser=registration&entry=1636190&action=Rec> **Title: Chantelle**

BRASSIERES, SLIPS, PANTIES, GIRDLES AND ONE-PIECE BODY BRIEFERS**Basis:** 1(a)**First Use Date:** 1971-00-00**First Use in Commerce Date:** 1971-00-00**ADDITIONAL INFORMATION**

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-09-23 - Review Of Correspondence Complete

2006-08-21 - PAPER RECEIVED

2001-06-16 - First renewal 10 year

2001-06-16 - Section 8 (10-year) accepted/ Section 9 granted

2001-02-14 - Combined Section 8 (10-year)/Section 9 filed

1996-07-18 - Section 8 (6-year) accepted & Section 15 acknowledged

1996-03-20 - Section 8 (6-year) and Section 15 Filed

1991-02-26 - Registered - Principal Register

1990-12-04 - Published for opposition

1990-11-03 - Notice of publication

1990-09-28 - Approved for Pub - Principal Register (Initial exam)

1990-04-25 - Letter of suspension mailed

1990-03-02 - Reinstated

1989-12-21 - Abandonment - Failure To Respond Or Late Response

1989-05-12 - Final refusal mailed

1988-11-01 - Assigned To Examiner

Chantelle v. Kan'tel, Inc.
Chantelle's Exhibit A

Renewed

1988-08-17 - Non-final action mailed

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

LAWRENCE E. ABELMAN

Correspondent

LAWRENCE E. ABELMAN
ABELMAN FRAYNE & SCHWAB
150 E. 42ND ST.
NEW YORK, NY 10017

Domestic Representative

ABELMAN FRAYNE REZAC & SCHWAB

Chantelle v. Kan'tel, Inc.
Chantelle's Exhibit A



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)



Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Serial Number: 73734562

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.0.1
Web interface last modified: April 20, 2007 v.2.0.1

[| .HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

Chantelle v. Kan'tel, Inc.
Chantelle's Exhibit A

Renewed
Title: Chantelle

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,636,190

Registered Feb. 26, 1991

**TRADEMARK
PRINCIPAL REGISTER**

CHANTELLE

CHANTELLE (FRANCE CORPORATION)
8-10 RUE DE PROVIGNY
CACHAN, FRANCE

FOR: BRASSIERES, SLIPS, PANTIES, GIR-
DLES AND ONE-PIECE BODY BRIEFERS, IN
CLASS 25 (U.S. CL. 39).

FIRST USE 0-0-1971; IN COMMERCE
0-0-1971.

SER. NO. 73-734,562, FILED 6-15-1988.

ROBERT C. CLARK JR., EXAMINING ATTOR-
NEY

Chantelle v. Kan'tel, Inc.
Chantelle's Exhibit A

Renewed

Title: Chantelle

Page 5 of 5